



# City of Malibu

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May 12, 2011

Crystal Spurr  
Staff Environmental Scientist  
California State Lands Commission  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825

Reference: **Broad Beach Restoration Project**  
**SCH# 2011041052**  
**CSLC Ref Files: EIR No. 756; R19710; W30182; W26420**

Dear Ms. Spurr:

Herein you will find the City of Malibu's comments regarding the Broad Beach Restoration Project Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) date April 15, 2011.

## Section 1 – Project Description

1. The project description states "burying of an existing temporary emergency revetment" as though that were conclusively "the project". The alternatives analysis needs to study whether or not the revetment, in its current location, is the most landward feasible and is the least environmentally damaging alternative. Some factors that need to be identified include the exact location of all septic or other seaward plumbing systems with the project area.
2. We understand that there is one property owner within the borders of the emergency revetment that has chosen not to install rocks onsite. What impacts does this gap in the revetment have on neighboring properties? Will the gap remain once the proposed project is implemented?
3. The project description should more fully describe the public access component of the project. Is the full length of the project going to be dedicated as a public lateral access? How will the public access area be defined?
4. The description indicates that the expected date for the Geological Hazard Abatement District (GHAD) is the end of April. City staff anticipates that this process will occur closer to July 2011.

### Section 2.1.1

5. Construction staging at Zuma Beach and Broad Beach needs to be studied. Construction lighting has a greater impact to the upland areas of Malibu Park as well as to Bailard Road and Lunita Road, which are immediately north of the project site, across Pacific Coast Highway.

### Section 2.1.3

6. The City of Malibu has biological assessments for many of the properties along Broad Beach Road which may be of use when evaluating the dune habitat along the beach.



7. The NOP does not include a discussion of the Trancas Creek intertidal zone. Construction activities through the Trancas Creek intertidal area (access from Zuma Beach) need to be studied. Furthermore, the construction staging at Zuma and Broad Beach needs to be studied for potential impacts to Trancas Creek.

#### **Section 2.1.5**

8. Re: Upland Beach Material Dredging and Transport; the NOP states that material is expected to be mined from Calleguas Creek and Grimes Creek Quarry. The impacts to public safety and transportation need to be addressed related to the transport of the materials into the City. In addition, the transport and staging of this mined material may require permits from the City, Caltrans, etc.

#### **Section 2.1.6**

9. The NOP states that the public access to and along Broad Beach will be closed for the duration of the construction phase of the project. The DEIR needs to include mitigation measures for this closure; which may include providing public notice (published in the newspaper, mailers to HOAs in the project vicinity, placement of large notice signs, etc.) to indicate other nearby locations where public access will be available in the interim.

#### **Section 2.1.8**

10. The NOP states "The social and economic effects of the action are anticipated to be beneficial. The nourished beach would have a wider and larger sand area, which would provide greater recreational opportunities." The DEIR should clarify what is meant by social and economic effects (benefits) of the project.
11. Public access impacts at Zuma Beach and Broad Beach need to be studied and, if necessary, mitigated.
12. The Land Use and Planning Section of the DEIR should include a discussion of all relevant entitlements including how the project meets the requirements for a Coastal Development Permit (CDP). The City of Malibu Local Coastal Program (LCP) is the pertinent standard of review. The required findings can be found in LCP Local Implementation Plan (LIP) Chapter 3 (Zoning Designations and Permitted Uses), Chapter 4 (Environmentally Sensitive Habitat Area), Chapter 6 (Scenic, Visual and Hillside Resource Protection), Chapter 9 (Hazards), Chapter 10 (Shoreline and Bluff Protection) and Chapter 12 (Public Access).
13. Several of the properties along Broad Beach Road have deed restrictions recorded against the title of the property prohibiting the construction of a shoreline protective device or the modification of an existing shoreline protective device in accordance with LIP Section 10.6. The DEIR should discuss how this issue will be rectified as the project includes a shoreline protective device.

#### **Section 2.1.9**

14. Noise impacts from construction staging needs to analyze Zuma Beach, Malibu Park and the nearby upland properties, such as those along Bailard Road and Lunita Road.
15. The NOP states "Nighttime or weekend work would need a variance from the local noise ordinance." Malibu Municipal Code (M.M.C.) Chapter 8.24 includes the City's noise ordinance which permits construction noise weekdays between the hours of 7:00 a.m. and 7:00 p.m. and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. Construction is prohibited on Sundays and City-designated holidays (Section 8.24.050).



There is no provision for a variance from the noise ordinance. Rather, M.M.C. Section 8.24.060 includes a provision for the exemption of construction noise pursuant to the expressed written permission of the city manager to perform such work at times prohibited in Section 8.24.050. The applicant must submit to the city manager an application in writing, stating the reasons for the request and the facts upon which such reasons are based. The city manager may grant written permission for the construction if he or she finds that:

- a. The work proposed to be done is in the public interest,
- b. Hardship, injustice or unreasonable delay would result from the interruption thereof during the hours and days specified in Section 8.24.050, or
- c. The building or structure involved is devoted or intended to be devoted to a use immediately incident to public defense.

### **Section 2.2.2 – Cumulative Impacts**

16. The project proposes a 20 year maintenance schedule, but does not include details regarding the frequency of the maintenance required. If it is determined that biannual or annual maintenance is required, it is reasonably foreseeable that public access will be impacted during maintenance for these 20 years. Disturbance of public access at Broad Beach for the foreseeable future could have a potentially significant cumulative effect and mitigation measures should be implemented.

### **Section 2.3 - Alternatives**

17. Each alternative should be explained on a scientific level with full supporting documentation attached as appendices and available for public review and comment.

### **Section 2.3.5**

18. What is the basis for the conclusion that erosion on Broad Beach will continue? What is the relationship between the potential sand replenishment and additional sand transporting along the Los Angeles County coastline? The EIR should fully explain the scientific rationale to support a no project alternative.

If you have further questions, please do not hesitate to contact Stephanie Danner, Senior Planner, at (310) 456-2489, extension 276 or at [sdanner@malibucity.org](mailto:sdanner@malibucity.org).

Sincerely,



Victor Peterson  
Community Development Director